

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 514

Introduced by Assembly Member De Leon

(Coauthors: Assembly Members Brownley, Carter, Evans, Fuentes, Furutani, Lieu, Bonnie Lowenthal, Ma, Salas, and Skinner)

February 24, 2009

An act to amend Section ~~212~~ 1030 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as amended, De Leon. Employment: ~~wages—lactation accommodation.~~

Existing law ~~prohibits the use of specified instruments for the payment of wages~~ requires an employer to provide a reasonable amount of break time for lactation purposes and specifies that the break time, if possible, shall run concurrently with any break time already provided to the employee. Under existing law, break time is unpaid if it does not run concurrently with the employee's authorized rest time. Existing law authorizes the Labor Commissioner to issue a citation for the violation of these provisions but exempts the violation from criminal prosecution.

This bill would ~~make nonsubstantive changes to that provision,~~ instead, require an employer to provide a 20-minute paid rest period for lactation purposes during each 4-hour work period, immediately preceding or following the employee's rest period, and would specify that compliance with this requirement does not satisfy or affect an employer's separate obligation to provide a meal or rest period required by statute, an Industrial Welfare Commission order, or a collective bargaining agreement.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1030 of the Labor Code is amended to
2 read:

3 1030. (a) Every employer, including the state and any political
4 subdivision, shall provide ~~a reasonable amount of break time~~
5 20-minute paid rest period during each four-hour work period to
6 accommodate an employee desiring to express breast milk for the
7 employee's infant child. ~~The break time shall, if possible, run~~
8 ~~concurrently with any break time already provided to the employee.~~
9 ~~Break time for an employee that does not run concurrently with~~
10 ~~the rest time authorized for the employee by the applicable wage~~
11 ~~order of the Industrial Welfare Commission shall be unpaid. The~~
12 ~~rest period required by this section shall immediately precede or~~
13 ~~follow any rest period to which the employee is entitled by law.~~

14 (b) ~~Providing the rest period required by this section does not~~
15 ~~satisfy or otherwise affect an employer's separate obligation to~~
16 ~~provide a meal or rest period required by statute, an order of the~~
17 ~~Industrial Welfare Commission, or a collective bargaining~~
18 ~~agreement.~~

19 ~~SECTION 1. Section 212 of the Labor Code is amended to~~
20 ~~read:~~

21 212. (a) ~~No person, or agent or officer thereof, shall issue in~~
22 ~~payment of wages due, or to become due, or as an advance on~~
23 ~~wages to be earned any of the following:~~

24 (1) ~~An order, check, draft, note, memorandum, or other~~
25 ~~acknowledgment of indebtedness, unless it is negotiable and~~
26 ~~payable in cash, on demand, without discount, at some established~~
27 ~~place of business in the state, the name and address of which must~~
28 ~~appear on the instrument, and at the time of its issuance and for a~~
29 ~~reasonable time thereafter, which must be at least 30 days, the~~
30 ~~maker or drawer has sufficient funds in, or credit, arrangement, or~~
31 ~~understanding with, the drawee for its payment.~~

32 (2) ~~Any scrip, coupon, cards, or other thing redeemable, in~~
33 ~~merchandise or purporting to be payable or redeemable otherwise~~
34 ~~than in money.~~

1 ~~(b) If an instrument mentioned in subdivision (a) is protested~~
2 ~~or dishonored, the notice or memorandum of protest or dishonor~~
3 ~~is admissible as proof of presentation, nonpayment, and protest~~
4 ~~and is presumptive evidence of knowledge of insufficiency of~~
5 ~~funds or credit with the drawee.~~

6 ~~(c) Notwithstanding paragraph (1) of subdivision (a), if the~~
7 ~~drawee is a bank, the bank's address need not appear on the~~
8 ~~instrument and, in that case, the instrument shall be negotiable and~~
9 ~~payable in cash, on demand, without discount, at any place of~~
10 ~~business of the drawee chosen by the person entitled to enforce~~
11 ~~the instrument.~~